

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

PERRY E. FLANYAK,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO 07-14J
)	Chief Judge Ambrose
)	Magistrate Judge Caiazza
C.O. SAMBRONSKI, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM ORDER

Perry Flanyak's ("Flanyak" or "the Plaintiff") Complaint filed pursuant to 42 U.S.C. §1983 was received by the Clerk of Court on January 18, 2007, and was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report, filed on May 3, 2007, recommended that the action be dismissed, without prejudice, due to Flanyak's failure to authorize deductions from his prison account for payment of the filing fee. The Plaintiff was allowed ten (10) days from the date of service to file objections. Service was made on the Plaintiff by First Class United States Mail delivered to his place of incarceration, the State Correctional Institution at Mahanoy, located in Frackville, Pennsylvania. The Plaintiff's objections were due on or before May 21, 2007. No objections have been filed.

After de novo review of the pleadings and documents in the case, together with the Report and Recommendation, the following ORDER is entered:

AND NOW, this 12th day of June, 2007,

IT IS HEREBY ORDERED that this action is DISMISSED WITHOUT PREJUDICE. The Plaintiff may re-file this action within the applicable statute of limitations period by paying the full filing fee of \$350.00. The Clerk is directed to mark this case CLOSED.



s/Donetta Ambrose

Donetta Ambrose

Chief U.S. District Court Judge

cc:

PERRY E. FLANYAK, DM-9231
SCI Mahanoy
301 Morea Road
Frackville, PA 17932